

(6)
5-21-01
MFA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRY R. POWELL,

Petitioner

v.

ROBERT SHANNON, et al.,

Respondents

: CIVIL ACTION NO. 1:CV-00-2180
:
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:
:

(Judge Rambo) HARRISBURG, PA

MAY 18 2001

ORDER

MARY E. D'ANDREA, CLERK
Per MFA
Deputy Clerk

IT IS HEREBY ORDERED THAT:


1. Petitioner's application to proceed in forma pauperis, (Doc. No. 1, p. 7-12.), is granted.
2. The Clerk of Court is directed to serve a copy of the petition and this order by certified mail on the Attorney General of the Commonwealth of Pennsylvania and the District Attorney of Adams County.
3. Within 20 (twenty) days of the date of this order, Respondent shall answer the allegations in the petition for writ of habeas corpus. Consistent with Rule 5 of the Rules Governing §2254 Cases in the United States Courts, the answer shall:
 - (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented, including any post-conviction remedies;
 - (b) be accompanied by those portions of any transcripts the Respondent deems relevant to disposing of the claims raised in the petition;
 - (c) indicate what other proceedings that might be relevant to the petition have been recorded but have not yet been transcribed;

- (d) be accompanied by copies of any of the Petitioner's briefs on appeal, either from the judgment of conviction or from an adverse decision in a post-conviction proceeding; copies of any opinions of the appellate courts in those proceedings; and any PCRA petitions.

4. Respondent shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.

5. Petitioner shall, if he so desires file a reply brief within fifteen (15) days of receipt of the Respondent's filings.

6. A determination whether Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondent's answer and memorandum of law, and, if any, the Petitioner's reply.


SYLVIA H. RAMBO
United States District Judge

Dated: May 18, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

May 18, 2001

Re: 1:00-cv-02180 Powell v. Shannon

True and correct copies of the attached were mailed by the clerk
to the following:

Terry R. Powell
SCI-MAHANAY
CT-9673
Mahanoy State Correctional Inst.
301 Morea Rd.
Frackville, PA 17931

cc:

Judge	(X)	(X) Pro Se Law Clerk
Magistrate Judge	()	() INS
U.S. Marshal	()	() Jury Clerk
Probation	()	
U.S. Attorney	()	
Atty. for Deft.	()	
Defendant	()	
Warden	()	
Bureau of Prisons	()	
Ct Reporter	()	
Ctroom Deputy	()	
Orig-Security	()	
Federal Public Defender	()	
Summons Issued	()	with N/C attached to complt. and served by: U.S. Marshal () Pltf's Attorney ()
Standard Order 93-5	()	
Order to Show Cause	(X)	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen (X) DA of County (X) Dpty Atty Gen (X) (4 1st class)
Bankruptcy Court	()	
Other _____	()	

MARY E. D'ANDREA, Clerk

DATE: May 18th, 2001

BY:


Deputy Clerk

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